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LRB094 04370 BDD 58510 a

1 AMENDMENT TO SENATE BILL 630

2 AMENDMENT NO. _____. Amend Senate Bill 630 by replacing
3 everything after the enacting clause with the following:

4 "Section 5-87. The Whistleblower Reward and Protection Act
5 is amended by changing Section 3 as follows:

6 (740 ILCS 175/3) (from Ch. 127, par. 4103)

7 Sec. 3. False claims.

8 (a) Liability for certain acts. Any person who:

9 (1) knowingly presents, or causes to be presented, to
10 an officer or employee of the State or a member of the
11 Guard a false or fraudulent claim for payment or approval;

12 (2) knowingly makes, uses, or causes to be made or
13 used, a false record or statement to get a false or
14 fraudulent claim paid or approved by the State;

15 (3) conspires to defraud the State by getting a false
16 or fraudulent claim allowed or paid;

17 (4) has possession, custody, or control of property or
18 money used, or to be used, by the State and, intending to
19 defraud the State or willfully to conceal the property,
20 delivers, or causes to be delivered, less property than the
21 amount for which the person receives a certificate or
22 receipt;

23 (5) authorized to make or deliver a document certifying
24 receipt of property used, or to be used, by the State and,

1 intending to defraud the State, makes or delivers the
2 receipt without completely knowing that the information on
3 the receipt is true;

4 (6) knowingly buys, or receives as a pledge of an
5 obligation or debt, public property from an officer or
6 employee of the State, or a member of the Guard, who
7 lawfully may not sell or pledge the property; or

8 (7) knowingly makes, uses, or causes to be made or
9 used, a false record or statement to conceal, avoid or
10 decrease an obligation to pay or transmit money or property
11 to the State,

12 is liable to the State for a civil penalty of not less than
13 \$5,500 ~~\$5,000~~ and not more than \$11,000 ~~\$10,000~~, plus 3 times
14 the amount of damages which the State sustains because of the
15 act of that person. A person violating this subsection (a)
16 shall also be liable to the State for the costs of a civil
17 action brought to recover any such penalty or damages.

18 (b) Knowing and knowingly defined. As used in this Section,
19 the terms "knowing" and "knowingly" mean that a person, with
20 respect to information:

21 (1) has actual knowledge of the information;

22 (2) acts in deliberate ignorance of the truth or
23 falsity of the information; or

24 (3) acts in reckless disregard of the truth or falsity
25 of the information, and no proof of specific intent to
26 defraud is required.

27 (c) Claim defined. As used in this Section, "claim"
28 includes any request or demand, whether under a contract or
29 otherwise, for money or property which is made to a contractor,
30 grantee, or other recipient if the State provides any portion
31 of the money or property which is requested or demanded, or if
32 the State will reimburse such contractor, grantee, or other
33 recipient for any portion of the money or property which is
34 requested or demanded.

1 (d) Exclusion. This Section does not apply to claims,
2 records, or statements made under the Illinois Income Tax Act.
3 (Source: P.A. 87-662.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law."